

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : CONSOLIDATED UNDER  
LIABILITY LITIGATION (No. VI) : MDL 875

Michael and Anna McCurdy :

Plaintiff :

v. :

Various Defendants :

CIVIL ACTION  
NO. 08-76815

Transferred from the District  
of Maryland

**FILED**

**FEB 18 2011**

**MICHAEL J. KONZ, Clerk**  
By \_\_\_\_\_ **Dep. Clerk**

**ORDER**

**AND NOW**, this **16th** day of **February 2011** it is hereby **ORDERED** that the Report and Recommendation issued by Magistrate Judge Elizabeth T. Hey (doc. no. 249), filed on January 20, 2011, as to Defendants' Motions for Summary Judgment, attached as Exhibit "A," is **ADOPTED**.<sup>1</sup>

It is further **ORDERED** that:

1. Riley Power, Inc.'s Motion for Summary Judgment (doc. no. 144) is **GRANTED**.
2. Crane Co.'s Motions for Summary Judgment (doc. nos. 153) is **GRANTED**.
3. Columbia Boiler's Motion for Summary Judgment (doc. no. 156) on the issue of product identification/causation is **DENIED**.
4. Burnham Corporation's Motions for Summary Judgment

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<sup>1</sup> No objections were filed within fourteen (14) days as provided for by Local Rule of Civil Procedure 72.1.

on the issue of product identification/causation (doc. nos. 142) is **DENIED**.

5. Weil-McLain's Motions for Summary Judgment on the issue of product identification (doc. no. 148) is **DENIED**.

6. Defendants' Motions for Summary Judgment on the issues of breach of warranty, fraud, conspiracy, aiding and abetting, market share liability and punitive damages (doc. nos. 213, 216, 217, 200, 221, 222) are **GRANTED** as unopposed.<sup>2</sup>

**AND IT IS SO ORDERED.**



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**EDUARDO C. ROBRENO, J.**

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<sup>2</sup>Plaintiffs have not opposed Defendants' motion for summary judgment within the time limit contained in the Court's scheduling order. As provided under local rules, the Court must independently determine that the moving party is entitled to judgment as a matter of law. See Loc. R. Civ. P. 7.1(c). Based on the uncontested evidence presented by Defendant as to these theories of liability, the Court concludes that this Defendant is entitled to judgment as a matter of law.